

REMARKS

Claims 1-39 are pending. Claims 1, 14 and 27 are amended herein.

Applicants respectfully note that the instant Office Action does not provide a basis for the rejection of Claim 39.

112 Rejections

The instant Office Action states that Claims 1, 14 and 27 are rejected under 35 U.S.C. § 112, second paragraph, because the terms “scalably encoded” and “progressively encrypted” are relative terms that render the claims indefinite. Applicants respectfully disagree that these terms are relative terms. Applicants respectfully submit that scalable encoding and progressive encryption are both adequately described in the specification. The Examiner is respectfully directed to at least page 15, lines 10-26, and page 16, lines 12-35, of the instant application. Nevertheless, Claims 1, 14 and 27 are amended herein to more clearly describe scalable encoding and progressive encryption within the claims themselves. Based on the above discussion, Applicants respectfully submit that the basis for rejecting Claims 1, 14 and 27 under 35 U.S.C. § 112, second paragraph, is traversed.

102 Rejections

The instant Office Action states that Claims 1-4, 8-17, 20-30 and 34-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yang et al. (“Yang;” U.S. Patent No. 6,005,620). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1-4, 8-17, 20-30 and 34-38 is not anticipated nor rendered obvious by Yang.

Applicants respectfully submit that Yang does not show or suggest scalably encoded and progressively encrypted data – that is, data that is both scalably encoded and progressively encrypted – as defined by independent Claims 1, 14 and 27.

Therefore, Applicants respectfully submit that Yang does not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 14 and 27, and that these claims are considered patentable over Yang. Because Claims 2-4, 8-13, 15-17, 20-26, 28-30 and 34-38 depend from Claim 1, 14 or 27 and contain additional limitations that are patentably distinguishable over Yang, these claims are also considered patentable over Yang. Therefore, Applicants respectfully submit that the basis for rejecting Claims 1-4, 8-17, 20-30 and 34-38 under 35 U.S.C. § 102(b) is traversed.

Furthermore, Applicants respectfully submit that Yang does not show or suggest the limitations cited by Claims 11-13, 24-26 and 37-38, specifically limitations that describe transmitting a subset of the secure and scalable data packets, wherein the subset is selected according to downstream attributes; receiving a subset of a larger set of data, wherein the subset is selected according to downstream attributes; or packetizing a subset of the data, wherein the subset is selected according to downstream attributes. For this additional reason, Applicants respectfully submit that the basis for rejecting Claims 11-13, 24-26 and 37-38 under 35 U.S.C. § 102(b) is traversed.

103(a) Rejections

The instant Office Action states that Claims 5-7, 18-19 and 31-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view

of Jessup, Jr. et al. (“Jessup;” U.S. Patent No. 5,581,706). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 5-7, 18-19 and 31-33 is not anticipated nor rendered obvious by Yang and Jessup, alone or in combination.

Claims 5-7, 18-19 and 31-33 are dependent on either independent Claim 1, 14 or 27. Hence, by demonstrating that Claims 1, 14 and 27 are not shown or suggested by Yang and Jessup (alone or in combination), it is also demonstrated that Claims 5-7, 18-19 and 31-33 are not shown or suggested by Yang and Jessup (alone or in combination).

As presented above, Applicants respectfully submit that Yang does not show or suggest the present claimed invention as recited by Claims 1, 14 and 27. Applicants also respectfully submit that Jessup does not overcome the shortcomings of Yang. That is, Applicants respectfully submit that Jessup, alone or in combination with Yang, does not show or suggest scalably encoded and progressively encrypted data – that is, data that is both scalably encoded and progressively encrypted – as defined by independent Claims 1, 14 and 27.

Therefore, Applicants respectfully submit that Yang and Jessup, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 14 and 27, and that these claims are considered patentable over Yang and Jessup. Because Claims 5-7, 18-19 and 31-33 depend from Claim 1, 14 or 27 and contain additional limitations that are patentably distinguishable over Yang and Jessup, these claims are also considered patentable over Yang and Jessup. Therefore, Applicants respectfully submit that the basis for rejecting Claims 5-7, 18-19 and 31-33 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

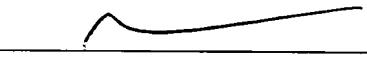
Based on the arguments presented above, Applicants respectfully assert that Claims 1-39 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 7/27/05


John P. Wagner
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060